

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 27, 2015

**Elisabeth A. Shumaker
Clerk of Court**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JESUS IGNACIO TALAMANTES-
CORONADO,

Defendant - Appellant.

No. 15-2011
(D.C. No. 2:12-CR-00310-RB-2)

ORDER

Before **BRISCOE**, Chief Judge, **LUCERO** and **HARTZ**, Circuit Judges.


This matter is before the court on the government's motion to dismiss this appeal because the notice of appeal is untimely. The defendant did not file a response, although he was ordered to do so. Upon consideration thereof, the motion is granted.

Judgment was entered on March 24, 2014, and the notice of appeal was filed almost ten months later on January 20, 2015.

In a criminal appeal, the defendant's notice of appeal is to be filed within 14 days of entry of judgment. *See* Fed. R. App. P. 4(b)(1)(A). This rule is an "inflexible claim-processing rule[], which unlike a jurisdictional rule, may be forfeited if not properly raised by the government." *United States v. Garduno*, 506 F.3d 1287, 1291 (10th Cir. 2007) (internal quotation omitted).

However, “[b]ecause the government timely objected to [the defendant’s] late notice of appeal, this court is bound to dismiss the appeal.” *Id.* at 1292.

The government’s motion to dismiss is **GRANTED. APPEAL DISMISSED.** A copy of this order shall stand as and for the mandate of the court.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

by: Ellen Rich Reiter
Jurisdictional Attorney